

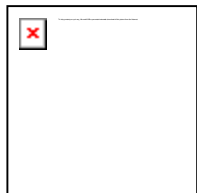
From: Committee on Rules 36GL <cor@guamlegislature.org>
Sent: Wednesday, September 29, 2021 12:18 PM
To: Clerks; Rennae Meno
Cc: Speaker Therese M. Terlaje
Subject: Messages and Communications for Doc. No. 36GL-21-1090*
Attachments: 36GL-21-1090.pdf

Håfa Adai Clerks,

Please see attached M&C Doc. No. 36GL-21-1090 for processing:

36GL-21-1090	Guam Ethics Commission Reporting Requirements for September 2021 and FY2021 4th Quarterly Attendance Report* Reporting Requirements for Boards and Commissions - September 2021 and Guam Ethics Commission - FY2021 4th Quarterly Attendance Report*	Guam Ethics Commission
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Si Yu'os Ma'åse',



COMMITTEE ON RULES

Vice Speaker Tina Rose Muña Barnes
36th Guam Legislature
I Mina'trentai Sais Na Liheslaturan Guåhan
163 Chalan Santo Papa Hågatña Guam 96910
Email: cor@guamlegislature.org

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----- Forwarded message -----

From: Speaker Therese M. Terlaje <speaker@guamlegislature.org>
Date: Wed, Sep 29, 2021 at 11:32 AM
Subject: Fwd: Guam Ethics Commission Reporting Requirements: 09.2021 Regular Meeting and 4th Qtr. Attendance Report
To: Legislative Secretary Amanda Shelton <officeofsenatorshelton@guamlegislature.org>, Committee on Rules 36GL <cor@guamlegislature.org>

Håfa Adai,

Please see attached M&C Doc. No. 36GL-21-1090.

36GL-21-1090	Guam Ethics Commission Reporting Requirements for September 2021 and FY2021 4th Quarterly Attendance Report.*	Guam Ethics Commission
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Si Yu'os Ma'åse',

Maria Abante
Legislative Assistant

Office of Speaker Therese M. Terlaje
Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: speaker@guamlegislature.org

website: www.senatorterlaje.com

----- Forwarded message -----

From: **Jesse Quenga** <Jesse.Quenga@ethics.guam.gov>

Date: Tue, Sep 28, 2021 at 3:17 PM

Subject: Guam Ethics Commission Reporting Requirements: 09.2021 Regular Meeting and 4th Qtr. Attendance Report

To: Speaker Therese M. Terlaje <speaker@guamlegislature.org>

Cc: Shannon Murphy <shannonjm@gmail.com>, Pamela D. Mabazza <Pamela.Mabazza@ethics.guam.gov>

Hafa Adai Madam Speaker,

Respectfully transmitted on behalf of the Guam Ethics Commission is the reporting requirements for the Commission's Regular Meeting held on September 27, 2021 as well as its 4th Quarter Attendance Report. If I can provide further assistance, please feel free to contact me. Thank you.

Best regards,

JESSE J. QUENGA, CM®

Executive Director

Guam Ethics Commission

Tel: (671) 969-5625

Fax: (671) 969-5626

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Speaker Therese M. Terlaje <speaker@guamlegislature.org>

Guam Ethics Commission Reporting Requirements: 09.2021 Regular Meeting and 4th Qtr. Attendance Report

Jesse Quenga <Jesse.Quenga@ethics.guam.gov>

Tue, Sep 28, 2021 at 3:17 PM

To: "Speaker Therese M. Terlaje" <speaker@guamlegislature.org>

Cc: Shannon Murphy <shannonjm@gmail.com>, "Pamela D. Mabazza" <Pamela.Mabazza@ethics.guam.gov>

Hafa Adai Madam Speaker,

Respectfully transmitted on behalf of the Guam Ethics Commission is the reporting requirements for the Commission's Regular Meeting held on September 27, 2021 as well as its 4th Quarter Attendance Report. If I can provide further assistance, please feel free to contact me. Thank you.

Best regards,

Doc Type:

36GL-21-1090
OFFICE OF THE SPEAKER
THERESE M. TERLAJEJESSE J. QUENGA, CM[®]

Executive Director

Guam Ethics Commission

Tel: (671) 969-5625

Fax: (671) 969-5626

-09-28-2021

Time: 3:17pm

Received: [Signature]

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2 attachments**Guam Ethics Commission Reporting Requirement 09.2021 - 36th GL.pdf**
735K**Guam Ethics Commission 4th Quarterly Attendance Report 36thGL.pdf**
172K**COMMITTEE ON RULES****RECEIVED:**

September 29, 2021

11:32 A.M.

[Signature]



GUAM ETHICS COMMISSION

Kumision Dinisiplina I Guåhan

Transmitted Via Electronic Mail

September 28, 2021

Hon. Therese M. Terlaje
Speaker
I Mina Trentai'sais Na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hågatña, Guam 96910

Re: Reporting Requirements for Boards and Commissions – September 2021

Håfa Adai Madam Speaker,

On behalf of the Guam Ethics Commission, respectfully transmitted herewith is the reporting requirements of 5 GCA Chapter 8 § 8113.1 regarding the Guam Ethics Commission's regular meeting held on September 27, 2021.

If I can provide further assistance or clarification, please feel free to contact me through email at jesse.quenga@ethics.guam.gov.

Si Yu'os Ma'ase!

JESSE JOHN QUENGA, CM®
Executive Director

Enclosure: Guam Ethics Commission September 27, 2021 Meeting Packet

Cc: Shannon J. Murphy, Chairwoman – Guam Ethics Commission



GUAM ETHICS COMMISSION

Kumision Dinisiplina I Guåhan

Regular Meeting

Monday, September 27, 2021

12:30 p.m.

AGENDA

COMMISSIONERS

Shannon J. Murphy
Chairwoman

Marilyn R. Borja
Vice-Chairwoman

Christopher A. Cruz

Robert S. Jack, MD

Daphne M. Leon Guerrero

Margaret E.R. Tyquiengco

COMMISSION STAFF

Jesse J. Quenga
Executive Director

Pamela D. Mabazza
Ethics Program Coordinator

I. Call to Order / Roll Call of Members

II. Approval of Agenda

III. Approval of Minutes

A. August 30, 2021 – Regular Meeting

IV. Reports

V. Old Business

A. Policy No. 2021-003: Ethics Complaint Procedures

B. Ethics in Government Program

VI. New Business

A. Legal Counsel

VII. Announcements

VIII. Executive Session

IX. Adjournment

Guam Ethics Commission Board Meeting—Minutes

Date: August 30, 2021

Time: 12:35 pm.

Location: Zoom Meeting

I. Call to Order / Roll Call of Members

- a. Commissioners Present: Chairperson Shannon Murphy, Vice-Chairperson Marilyn Borja, Christopher Cruz, Meg Tyquiengco, Daphne Leon Guerrero
- b. Commissioners Absent: Dr. Robert Jack
- c. Staff: Jesse Quenga, Executive Director, Pamela Mabazza, Program Coordinator
- d. Others present: UOG, Global Learning & Engagement

II. Approval of Agenda

MOTION: M. Tyquiengco moved to approve agenda

Seconded by: D. Leon Guerrero

Discussion: None

Decision: Motion Carries

III. Approval of Minutes

July 23, 2021 – Regular Meeting

MOTION: M. Borja moved to approve the minutes of July 23, 2021.

Seconded by: C. Cruz

Discussion: None

Decision: Motion Carries

IV. Reports

Executive Director

Procurement Updates

- a. Office Lease
Commission staff met with Mr. Steffen Niu, GCIC President to address outstanding issues.
- b. Copier/Printer/Scanner/Fax Machine
Xerox machine was delivered to the office. It's operable but pending full installation, waiting for internet provider to install wifi.
- c. Website & E-Learning Portal
RFQ was awarded to JBiosis Creative. A temporary landing page has been created with some content. OTECH confirmed that "ethics.guam.gov" will be available for use and will assist us when the website is ready to launch.

Following the meeting with the University of Guam, staff is awaiting submission of the amended MOA to supply the e-learning portal for the Ethics in Government Program. MOA will be provided to the Commissioners once received for their review.

d. **Phone & Internet Service**

RFQ for phone and internet service was awarded to Docomo Pacific. Phone and Internet has been installed but the current phone system with GCIC is still in use till Docomo completes the installation of VoIP.

e. **Procurement Training**

ED Jesse Quenga and Pam Mabazza successfully completed Procurement Module 2. Staff is now enrolled in Module 5. Class is anticipated to conclude in mid-September.

Conducting Workplace Investigations – Society for Human Resources Management (SHRM)

- a. A full day workshop on how to conduct workplace investigation was attended by ED, Jesse Quenga & Program Coordinators Donovan Alger & Pam Mabazza.

Meeting with Legal Counsel

- a. Staff & Chairwoman Shannon Murphy met with Atty. McDonald to discuss the recent public laws which expanded the role of the Commission and other on-going projects. Atty. McDonald received a copy of the draft policy on Ethics Hearing Procedures and provided notes for his review. He is requesting to be at the September board meeting to present a procedural system to the Commissioners.

Commissioner Stipends

- a. All Commissioners stipends has been processed and paid up to the current July 23rd Regular meeting.

Commission TY2022 Budget Appropriation

- a. Appropriation for Fiscal Year 2022 Budget has increased from current appropriation of \$194,000.00 to \$267,017.00. This increase will add support to the Ethics Commission by funding 2 additional Ethics Program Coordinators.
- b. In addition to the funding levels, two amendments have been filed with the legislation pending action. First is the continuing appropriation for unexpended FY2021 funds and the second is to give authorization for the Commission to use the revenue from the special funds to support its operations in anticipation of is budget shortfall in FY22.

Formal Procedures for Processing GG1 Requests

- a. Guam Ethics Commission has reaffirmed its independence from the Bureau of Budget and Management Research (BBMR). All personnel action requests are not subject to the review and control of BBMR. All official contacts have been established as well as the procedures for requesting personnel actions in the future.

Meeting Schedule with GovGuam Agency Heads – Ethics Compliance Report

- a. Staff is starting to arrange meetings with GovGuam agencies to discuss the Ethics Compliance Report.

V. Old Business

A. Policy No. 2021-003: Ethics Complaint Procedures

Legal counsel is still reviewing the draft policy. ED, suggested to table discussion until Atty. McDonald meet with the Board to discuss his recommendation.

B. Ethics in Government Program

Staff is working on compiling the Ethics Compliance Report to get an accurate number of staff within each agency. This report will help the staff to plan for the Ethics in Government Training.

A letter was sent to the Ethics Commission requesting to be approved as a trainer provider for the Ethics in Government Program. ED, Jesse Quenga recommended to table the discussion for the next meeting so that the Board have an opportunity to review the request.

VI. New Business – None

VII. Announcements - None

VIII. Executive Session - None

IX. Adjournment

MOTION: M. Tyquiengco moved to adjourn the meeting at 1:25pm.

Seconded by: C. Cruz

Discussion: None

Decision: Motion Carries



GUAM ETHICS COMMISSION

Kumision Dinisiplina I Guåhan

EXECUTIVE DIRECTOR'S REPORT

Procurement Updates

- a. Website & E-learning Portal
 - Staff continue to work with the vendor to establish an agency website. Second round edits are currently being conducted and a full update on the anticipated launch date will be provided after coordinating with
- b. Procurement Training
 - Staff completed Module 5 and are on schedule to begin Module 3 this afternoon which is expected to conclude by October 18th.
- c. Office Furniture
 - The team continues to move forward with procuring workstations for the office. On September 10th the office contacted responsive vendors to provide updated quotes for office workstations. To date, two positive responses have been received. One additional response is pending and is expected to be retrieved early this week. A purchase order will be issued following the review of responsive proposals.
- d. Ethics in Government Program Facilitator RFQ
 - A Request for Quotation was issued on September 8th soliciting persons interested in providing professional services in conducting ethics training. Notices were published on the government notices website as well as the Guam Daily POST on September 9th and September 14th. Proposals were due on Wednesday, September 22nd. We received one request for an extension and the deadline was extended to Friday, September 24th. Two proposals were received and are currently under review.

Fiscal Year 2022 Budget Appropriation / Establishment of Accounts

- a. Gov. Leon Guerrero allowed Bill 55-36 to lapse into law, becoming Public Law 36-54. In the budget act the Guam Ethics Commission was appropriated \$267,019 for its appropriations, was authorized to expend revenue funds available in the Government Ethics Fund and obtained a continuing appropriation for any unexpended Fiscal 2021 funds appropriated to it. Immediately following the enactment of the budget act, the office prepared and submitted the necessary Establishment of Account and allotment schedule forms to the Department of Administration for their preparation.



GUAM ETHICS COMMISSION

Kumision Dinisiplina I Guåhan

RESOLUTION No. 2021 – 002

COMMISSIONERS

Shannon J. Murphy
Chairwoman

Marilyn R. Borja
Vice-Chairwoman

Christopher A. Cruz

Robert S. Jack, MD

Daphne May N. Leon Guerrero

Margaret E.R. Tyquiengco

RELATIVE TO ESTABLISHING THE TRAINING FEE FOR THE ETHICS IN GOVERNMENT PROGRAM MANDATED BY TITLE 4 GUAM CODE ANNOTATED CHAPTER 15

WHEREAS, established in Chapter 15, Title 4 Guam Code Annotated, the Ethics in Government Program aims to promote the public's confidence that its leaders would carry out their duties in accordance with the laws of Guam; and

WHEREAS, in May 2021, Governor Lou Leon Guerrero signed Public Law 36-25 which updated and expanded the program to include all employees of the Government of Guam as officials required to complete the training and attend a refresher course every four (4) years thereafter; and

WHEREAS, Public Law 36-25 also identified the Guam Ethics Commission as the provider of the program; and

WHEREAS, the Guam Ethics Commission's mandate is to uplift the public's confidence in government employees, programs, and operations by ensuring the practice and promotion of the highest standards of ethical behavior in the government of Guam; now therefore be it

RESOLVED, the Commission affirms through majority vote of members present at a publicly announced/open meeting, its adoption of \$80.00 as the training fee for each participant attending the Ethics in Government Program; and be it further

RESOLVED, that the revenue from the Ethics in Government program be earmarked to support the operational costs of the Guam Ethics Commission as well as the direct costs of conducting the workshop which include but are not limited to instructor compensation, workshop venue, supplies, and certificates; and be it further

RESOLVED, that the Commission directs the Executive Director to the following: 1) provide an annual report on the total funds collected and all expenditures under the fund, and 2) submit to the Commission a report on the performance of the fund whenever the Executive Director determines a review of the training fee established by this resolution is necessary.

PASSED AND ADOPTED BY THE GUAM ETHICS COMMISSION THIS 27TH DAY OF SEPTEMBER 2021

414 W. Soledad Avenue
Suite 903, GCIC Building
Hagåtña, GU 96910

Tel: (671) 969-5625

Fax: (671) 969-5626

Email: ethics@dma.guam.gov

SHANNON J. MURPHY
CHAIRWOMAN, GUAM ETHICS COMMISSION

Doc. No. 2021-002

MEMORANDUM OF AGREEMENT
Between
GUAM ETHICS COMMISSION
And
UNIVERSITY OF GUAM SCHOOL OF BUSINESS AND PUBLIC
ADMINISTRATION AND OFFICE OF INFORMATION TECHNOLOGY

The Guam Ethics Commission (GETHC) and the University of Guam School of Business and Public Administration (UOG-SBPA) and Office of Information Technology (UOG-OIT) enter into this Memorandum of Agreement (MOA) for the purposes described below effective upon the approval of the Chairperson of the GETHC.

The **GUAM ETHICS COMMISSION** who address is _____; hereinafter called "**GETHC**", and **UNIVERSITY OF GUAM SCHOOL OF BUSINESS AND PUBLIC ADMINISTRATION AND OFFICE OF INFORMATION TECHNOLOGY**, whose address is 303 University Drive, UOG Station, Mangilao Guam 96913; hereinafter called "**UOG-SBPA**" and "**UOG-OIT**"

WITNESSETH

WHEREAS, Public Law, 36-25, tasks the GETHC to play a central role in holding elected and appointed government officials and government employees accountable to ethical standards, and to conduct training for all government of Guam employees through the Ethics in Government Program; and

WHEREAS, the University of Guam is a U.S. accredited, regional land-grant institution especially focused on serving the communities of Guam, Micronesian, and the neighboring regions of the Pacific and Asia.

WHEREAS, The UOG-SBPA has developed and conducted ethics training in compliance with the standards articulated in PL 36-25 and has established the PALS Good Governance and Leadership Network to support the GETHC by developing training and materials for Government of Guam classified employees, appointed personnel, elected officials, and other entities as required by Government of Guam Ethics Laws.

WHEREAS, The UOG-OIT strives to be a regionally strategic and innovative IT organization that provides a leading edge technology environment for students, faculty and staff, and whose mission is to advance the University mission and goals was developed in response to the island and region's growing need for objective research on public policy issues; and

WHEREAS, Public Law 36-25 has designated the GETHC as the lead organization responsible for the delivery of the Ethics in Government program for both elected and appointed officials as well as all government of Guam employees; and

WHEREAS, GETHC has engaged UOG-SBPA through an initial licensing to update and develop ethics training materials in accordance with PL 36-25 for all government of Guam employees.

WHEREAS, GETHC has identified that a mode of delivery of the training should be offered online through an e-learning portal; and

WHEREAS, GETHC, UOG-SBPA, and UOG-OIT desire to officially enter into a formal agreement to update and develop training materials and to create an e-learning portal to carry out the goals and objectives of the Ethics in Government Program; and

WHEREAS, this MOA shall enumerate the process through which GETHC, UOG-SBPA, and the UOG-OIT shall provide collaboration in relation to training materials and the e-learning portal for the Ethics in Government Program; and

WHEREAS, GETHC shall provide the content or may contract with other government of Guam entities who have subject matter expertise to provide the content for an effective training materials and e-learning program.

NOW, THEREFORE, the GETHC, UOG-SBPA, and UOG-OIT in consideration of the mutual covenants hereinafter set forth, agree as follow:

- I. UOG-SBPA AGREES TO PROVIDE THE FOLLOWING:** UOG-SBPA shall through an initial licensing fee develop and complete all training materials (slides, cases studies, quizzes, and exercises) for a 4-hour general course in accordance with 5 GCA Chapter 15 Section 15410, as amended by PL 36-25 to include the following topics:
- A. Guam statutes concerning ethics
 - B. Guam statutes concerning lobbying
 - C. Guam procurement laws and regulations
 - D. Guam contracting laws and regulations
 - E. Parliamentary procedure
 - F. Fiduciary responsibility
 - G. Personnel policy
 - H. Government finance
 - J. Open Government Law and Sunshine reform act of 1999
- II. UOG-OIT AGREES TO THE FOLLOWING:** The UOG-OIT shall do the following to establish an e-learning portal and other support services pursuant to this MOA:

- A. Organize and format the e-learning portal following the detailed plan and curriculum provided by GETHC.
- B. Provide initial training to GETHC staff to manage the site after launch.
- C. Provide basic course design in consultation with the GETHC.
- D. Ensure e-learning portal has the following capabilities which may include but not limited to the following: Registration page, user analytics (back-end), quizzes, exams, certificate of completion.
- E. Provide weekly progress reports of project (i.e., work achieved, work scheduled, other pending items) and timeline until launch of e-learning portal.
- F. Develop recommendations to enhance user experience.

III. THE GETHC AGREES TO PROVIDE THE FOLLOWING: GETHC shall do the following to assist the UOG-SBPA and UOG-OIT in performing the services pursuant to this MOA:

- A. Provide UOG-SBPA and UOG-OIT a detailed plan on goals and objectives in carrying out the training development and e-learning portal for the Ethics in Government Program.
- B. Review and approve UOG-SBPA training materials.
- C. Provide regular communication and updates regarding training materials and e-learning of the Ethics in Government program activities.
- D. Provide compensation for an initial licensing fee of Twenty-Six Thousand Four Hundred Dollars and Zero Cents (\$26,400) to UOG-SBPA to update and develop training materials as detailed in Section I.
- E. Provide compensation of Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00) to UOG-OIT for costs associated to establish and maintain hosting the site, maintenance of the server, and any other costs as approved by both GETHC and UOG-OIT as detailed in Section II.
- F. Agrees to ensure that payments are processed on a timely basis (i.e. within thirty calendar days upon receipt of request for payment) to pay for all associated costs based on invoices received for work as specified in Section I and II of this agreement.

IV. COMPENSATION

- A. The **GETHC** has allocated funding for UOG-SBPA AND UOG-OIT for the costs of professional services, an initial license fee for training and material, and e-learning delivery. The **GETHC** will compensate **UOG-SBPA and UOG-OIT** for work performed pursuant to Section I and II. The **GETHC** shall compensate **UOG-SBPA and UOG-OIT** upon the submission of invoice and the acceptance of services performed pursuant to Section I and II of this Agreement.
- B. The amount due to **UOG-SBPA** shall be paid in two installments as invoiced by UOG-SBPA. The installments are as follow: 1st invoice in the amount of \$13,200 to be invoiced within three business days of the MOA being effectuated,

the 2nd invoice in the amount of \$13,200 to be invoiced within three business days of completion of Section I of this Agreement.

- C. The amount due to **UOG-OIT** shall be paid in two installments as invoiced by UOG-OIT. The installments are as follows: 1st invoice in the amount of \$12,500 to be invoiced within three business days of receiving notice of the MOA being effectuated, the 2nd invoice in the amount of \$12,500 to be invoiced within three business days of completion of Section II of this Agreement.
- D. **UOG-SBPA** and **UOG-OIT** shall submit its request for payment in the form of certified invoices to GETHC; The **GETHC** shall be responsible for and take reasonable steps to facilitate prompt payment within thirty (30) days following receipt of invoice/request for payment.
- E. **GETHC** shall compensate the UOG-SBPA and UOG-OIT for expenditures associated with the work prescribed under this MOA.
- F. The **UOG-SBPA** and **UOG-OIT** shall ensure that funds received are utilized solely for the operations and activities of the Ethics in Government Program for training materials and the e-learning portal. Any costs outside the parameters of this MOA shall not be authorized unless written prior approval is obtained from GETHC.

V. TERMS OF AGREEMENT. Subject to Section XII, the term of this Agreement shall be from the date of the Commission Chairperson's signature to the end of the project, but no later than September 30, 2022. No payment shall be made by the **GETHC** for expenses incurred by **UOG-SBPA** and **UOG-OIT** during the term of this Agreement until such time the GETHC Chairperson affixes her signature effectuating this Agreement as outlined in Section XII of this Agreement.

VI. AMENDMENTS. Any changes to the Memorandum of Agreement shall be by mutual agreement of all parties under this agreement and shall be in writing. If such changes cause an increase or decrease in the costs of doing the work under this Agreement, or in the time required for this performance, a mutually agreeable adjustment shall be made and the Agreement shall be modified in writing accordingly

VII. GENERAL COMPLIANCE WITH LAWS: Grantee, subgrantee, and contractors shall be required to comply with all Federal and Guam laws and regulations applicable to the work. Grantee, subgrantee, and contractors shall attach a copy of its business license or a statement of exemption pursuant to Section 16024 of the Government Code

VIII. EMPLOYMENT PROHIBITION: The service provider warrants that no person in its employment who has been convicted of a sex offense under the provisions of 9 GCA Chapter 25 or of an offense defined in 9 GCA Chapter 28, Article 2, or who has been convicted of an offense with the same elements as heretofore defined in any other jurisdiction, or who is listed on the Sex Offender Registry shall provide services on behalf of the service provider while on government of Guam property, with the exception of public highways. If any employee of the service provider is providing services on government property and

is convicted subsequent to an award of a contract, then the service provider warrants that it will notify the Government of the conviction within twenty-four hours of the conviction, and will remove immediately such convicted person from providing services on government property. If the service provider is found to be in violation of any of the provisions of this paragraph, then the Government will give notice to the service provider to take corrective action. The service provider shall take corrective action within twenty-four hours of notice from the Government, and the service provider shall notify the Government when action has been taken. If the service provider fails to take corrective steps within twenty-four hours of notice from the Government, then the Government in its sole discretion may suspend temporarily any contract for services until corrective action has been taken

IX. ACCESS TO RECORDS AND OTHER REVIEW: UOG-SBPA and UOG-OIT shall maintain all data and records pertaining to this Agreement and make such materials available at their respective offices at reasonable times during the agreement period and for three (3) years from the date of the final payment. In addition, **UOG-SBPA and OIT** will provide such information, upon request by the **GETHC**.

X. OWNERSHIP OF DOCUMENTS. For the compensation of the initial licensing for materials and e-learning portal as prescribed in Section I and II of this Agreement, work produced shall be used by GETHC for the sole purposes in this Agreement. The **GETHC** shall not reproduce, sell, convey or otherwise use materials and the e-learning portal for any purpose outside of this Agreement. **UOG-SBPA**, along with the developers of the materials, and **UOG-OIT** retain all rights to all training materials and documents and use in all forms and manner.

XI. INDEMNITY. All parties agree to save and hold harmless each organization, its officers, agents, representatives, successors, and assigns from any and all suits or actions of every nature and kind, with may be brought

XII. NOTIFICATION OF CLAIMS. **UOG-SBPA** and **UOG-OIT** will, within thirty (30) days after any claim accrues arising out of or in connection with this Agreement provide herein, give written notice to the **GETHC** and the its Attorney of such claim, setting forth in detail all the facts relating thereto and the basis for such claim; and will not institute any suit or action against the Government in any court or tribunal in any jurisdiction based on any such claim later than one (1) year after such filing. Any action or suit on any claim shall not include any item or matter not specifically mentioned in the proof of claim above specified. It is agreed that if such action or suit is instituted, proof by **UOG-SBPA** and **UOG-OIT** of its compliance with provisions of this paragraph does not constitute a waiver of any applicable statutes of limitation.

XII. TERMINATION. Either of the parties hereto, may, by written notice to the other, terminate this MOA in whole or in part at any time, either for convenience or default. If the MOA is terminated by **UOG-SBPA**, **UOG-OIT**, or by **GETHC** for

cause, prior to its completion, **UOG-SBPA**, and/or **UOG-OIT** shall reimburse **GETHC** for any unexpended expenses or fees associated with this MOA and GETHC may retain as a set off for such expenses or fees any funds owed by UOG-SBPA, UOG-OIT in GETHC's possession. **UOG-SBPA**, and UOG-OIT will however, be paid the reasonable value for services performed that are acceptable to **GETHC**.

XIV. ARBITRATION. **UOG-SBPA** and **UOG-OIT** agree that any dispute or controversy arising from or related to the MOA shall be submitted to binding arbitration to be conducted by an arbitrator or panel of arbitrators provided that first, **UOG-SBPA**, **UOG-OIT** and **GETHC** shall attempt to resolve the issue or dispute through discussion held in good faith. Any such arbitrations shall be conducted in Guam. Either party to this MOA may initiate the arbitration by notice in writing to the other party setting forth the nature of the dispute or controversy, the amount involved, if any, and the remedy sought. The arbitrator or panel of arbitrators shall be appointed promptly upon written application of the initiating party and shall be selected in accordance with the Commercial Arbitration Rules of the American Arbitration Association. Depositions may be taken and other discovery obtained in any arbitration under this MOA. The arbitrator or panel of arbitrators hereunder shall conduct the arbitration pursuant to the Commercial Association Rules of the American Arbitration Association then in effect, except as such rules may be modified for the purpose of the arbitration proceeding by mutual agreement of the parties to this agreement. The award of the arbitrator or panel of arbitrators shall be final and binding upon the parties hereto and judgment thereon may be entered in any court having jurisdiction. All statutes of limitation which would not otherwise be applicable shall apply to any arbitration proceeding hereunder. The provisions of this section shall survive any termination of this MOA. The arbitrator or panel of arbitrators shall award reasonable attorneys' fees and costs to the prevailing party.

XV. GOVERNING LAW. The validity of this MOA and of any of its terms or provisions as well as the rights and duties of the parties to this MOA, shall be governed by the laws of Guam, whether in arbitration or in any court of competent jurisdiction.

XVI. COMPLIANCE WITH LAWS. **UOG-SBPA**, **UOG-OIT**, including its agents, employees, and contractors shall comply with all applicable laws of the United States and the Territory of Guam applicable to the work, which is the subject of this MOA.

XVII. SEVERABILITY. If any provision of this Agreement shall be deemed by a court of competent jurisdiction to be invalid, then such provision shall be deemed stricken from the Agreement and the Agreement shall be enforced according to its valid and subsisting terms and provisions.

XVIII. EFFECTIVE DATE OF AGREEMENT:

This Agreement shall take effect upon the date it is signed by the **GETHC** Chairperson and the date of this Agreement shall be the date upon which the Chairperson affixes her signature and extend through September 30, 2022 or unless agreed upon by all parties.

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IN WITNESS WHEREOF, the parties have entered into this Agreement on the dates indicated by their respective names.

UNIVERSITY OF GUAM:

GUAM ETHICS COMMISSION

DR. THOMAS W. KRISE

Date
President

SHANNON J. MURPHY

Date
Chairperson

DR ANITA BORJA ENRIQUEZ

Date
Senior Vice President and Provost

JESSE QUENGA

Date
Executive Director

RANDALL V. WIEGAND

Date

Vice President Administration and Finance

DR. ANNETTE T. SANTOS

Date

Dean School of Business and Public
Administration

APPROVED AS TO FORM:

APPROVED AS TO FORM:

ANTHONY R. CAMACHO, Esq.

Date

General Counsel

**OFFICE OF THE ATTORNEY
GENERAL**

Date

DRAFT



GUAM ETHICS COMMISSION

Kumision Dinisiplina I Guåhan

RESOLUTION No. 2021 – 003

COMMISSIONERS

Shannon J. Murphy
Chairwoman

Marilyn R. Borja
Vice-Chairwoman

Christopher A. Cruz

Robert S. Jack, MD

Daphne May N. Leon Guerrero

Margaret E.R. Tyquiengco

RELATIVE TO AFFIRMING THE COMMISSION'S DESIRE TO RETAIN LEGAL COUNSEL INDEPENDENT FROM THE OFFICE OF THE ATTORNEY GENERAL AND FURTHER REQUESTING THE GUAM LEGISLATURE INTRODUCE A MEASURE AUTHORIZING THE COMMISSION TO DO SO

WHEREAS, the Guam Ethics Commission was established in Chapter 15, Title 4 Guam Code Annotated, primarily to adjudicate complaints filed against government officials for violating the Ethical Code of Conduct; and

WHEREAS, in May 2021, members of the 36th Guam Legislature heard and debated Bill 85-36, relative to affirming the independence of the Guam Ethics Commission. The bill was passed unanimously by the body and was later enacted as Public Law 36-28 by Governor Lou Leon Guerrero; and

WHEREAS, recognizing that the Guam Ethics Commission would have conflict in adjudicating ethics complaints filed against officials of the Office of the Attorney General, the Commission published a Request for Interest (RFI) ad seeking individuals or firms wishing to provide legal services to the Commission on the Guam Daily Post on June 22nd and June 28th; and

WHEREAS, on July 8th, the Commission issued a Request for Quotation (RFQ) to all firms who responded to the Commission's RFI and on July 23rd, the Commission awarded a contract for legal services with McDonald Law Office, LLC.; and

WHEREAS, on August 2nd, the Commission reported this small purchase to the Guam Legislature in compliance with Public Law 34-35. On September 3rd, the Commission received an inquiry from the Office of the Attorney General on the authority the Commission maintained to procure legal services. In response, the Commission referenced two previously issued AG opinions which clarified the authority of independent and autonomous agencies. The Commission requested a review of the opinions and to reaffirm the Commission's authority to procure goods and services; and

WHEREAS, on September 10th the Office of the Attorney General concluded their review and communicated that it concurred that the Guam Ethics Commission is authorized to procure goods and services; however, the statute was ambiguous if the authorization extended to legal services. The AG's office conceded that there is a perceived conflict of interest to have their office provide legal services, but expressed that expressed authorization in Guam Law was needed for the Commission to obtain private counsel; now therefore be it

RESOLVED, the Commission affirms through majority vote of members present at a publicly announced/open meeting, its adoption of Resolution 2021-003, formally requesting the Guam Legislature introduce and hear a measure which would provide the Commission with expressed authorization to retain private counsel to support their mandate to adjudicate complaints filed against government officials for violating the Ethical Code of Conduct; and be it further

RESOLVED, the Commission additionally requests a one-time authorization, notwithstanding, to pay for billable hours performed under the previously issued contract using the funds appropriated to it by the Guam Legislature; and be it further

RESOLVED, that Chairperson of the Guam Ethics Commission certify and attest to the adoption hereof, and that copies of same be transmitted to the Honorable Lourdes A. Leon Guerrero, I Maga'hågan Guåhan, the Honorable Joshua F. Tenorio, I Sigundu Na Maga'Låhen Guåhan, the Honorable Therese M. Terlaje, Speaker I Mina Trentai Sais Na Liheslaturan Guåhan, and the Honorable Joe S. San Agustin, Senator and Chairman of the Committee on General Government Operations, Appropriations, Housing, and Office of Finance & Budget I Mina Trentai Sais Na Liheslaturan Guåhan.

PASSED AND ADOPTED BY THE GUAM ETHICS COMMISSION THIS 27TH DAY OF SEPTEMBER 2021

SHANNON J. MURPHY
CHAIRWOMAN, GUAM ETHICS COMMISSION

Doc. No. 36GL-21-1090.*

414 W. Soledad Avenue
Suite 903, GCIC Building
Hagåtña, GU 96910

Tel: (671) 969-5625

Fax: (671) 969-5626

Email: ethics@dma.guam.gov

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 36-____

Introduced by: _____

**AN ACT TO *AMEND* § 15409(a) FROM ARTICLE 4 OF
CHAPTER 15, TITLE 4, GUAM CODE ANNOTATED TO
ADD A NEW SUBSECTION (8) RELATIVE TO
AUTHORIZING THE GUAM ETHICS COMMISSION
TO RETAIN LEGAL SERVICES.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 15409(a) of Chapter 15, of Title 4, Guam Code Annotated, is hereby *amended*, to read:

“(8) The Commission may retain one (1) or more attorneys, who shall be admitted to practice before the courts of Guam, who shall advise the Commission and its Executive Director on all legal matters pertaining to the Commission. The designated counsel shall represent the Commission in litigation in which the Commission is interested or involved. The terms, conditions and compensation of employment of any such attorney shall be determined by the Commission, and the attorney shall serve at the pleasure of the Commission. The Commission is given a one-time authorization in Fiscal Year 2022, notwithstanding, to pay for billable hours performed under the legal contract issued in Fiscal Year 2021 utilizing funds appropriated to the Guam Ethics Commission by the Guam Legislature.”

Section 2. Effective Date. This Act shall be effective upon enactment.



GUAM ETHICS COMMISSION

Kumision Dinisiplina I Guåhan

Transmitted Via Electronic Mail

September 28, 2021

Hon. Therese M. Terlaje
Speaker
I Mina Trentai'sais Na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: Guam Ethics Commission – FY2021 4th Quarterly Attendance Report

Håfa Adai Madam Speaker,

Pursuant to Title 5 GCA, Chapter 43, §43107, respectfully transmitted herewith on behalf of the Guam Ethics Commission is the Commission's Quarterly Attendance Report for the Fourth Quarter covering the period of July 2021 to September 2021.

If I can provide further assistance or clarification, please feel free to contact me through email at jesse.quenga@ethics.guam.gov.

Si Yu'os Ma'ase!

JESSE JOHN QUENGA, CM®
Executive Director

Enclosure: Guam Ethics Commission FY2021 4th Quarterly Attendance Report

Cc: Shannon J. Murphy, Chairwoman – Guam Ethics Commission



GUAM ETHICS COMMISSION

Kumision Dinisiplina I Guåhan

GUAM ETHICS COMMISSION

FY2021 4th Quarterly Attendance Report

For the Period of July 2021– September 2021

Title 5 Guam Code Annotated Chapter 43 §43107

MEMBER NAME	POSITION	MEETING DATES Fourth Quarter		
		July 23, 2021	August 30, 2021	September 27, 2021
		Regular Meeting	Regular Meeting	Regular Meeting
Shannon J. Murphy	<i>Chairwoman</i>	Present	Present	Present
Marilyn R. Borja	<i>Vice-Chairwoman</i>	Present	Present	Present
Christopher A. Cruz	<i>Member</i>	Present	Present	Present
Dr. Robert S. Jack	<i>Member</i>	Present	Absent	Present
Daphne M. Leon Guerrero	<i>Member</i>	Present	Present	Present
Margaret E.R. Tyquiengco	<i>Member</i>	Present	Present	Present
VACANT	<i>Member</i>	n/a	n/a	n/a